REMARKS

The Examiner has rejected Claims 1, 2, 5-13, and 15-24 as anticipated by Brouwer. In addition, the Examiner has indicated that Claim 14 is objected to and would be allowed if rewritten in independent form. Applicants are not submitting an amendment to Claim 14 at this time since Applicants believe that the claims are patentable over the cited prior art.

The present invention is directed to a method and system for automated testing of software having a test bucket for storing sets of test data, a job receiver process, for accepting test requests from a user, each test request comprising an identifier for selecting test data from the test bucket, a resource process and resource pool for managing system resource data to indicate resources available for software testing on a set of client computer systems, and a job execution process for creating test execution script data based on the test data identified in a test request, wherein the job execution process receives the test request from the job receiver process, dynamically creates the test execution script based upon the resource pool indicating the availability of resources required for the execution of the test on one or more of the set of client computer systems, and initiates testing by forwarding the test execution script data to the appropriate one or more of the set

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of client computer systems, and the system server component has means for accepting and storing test results from the set of client computer systems. As is expressly recited in all of the pending claims, the job execution process creates test execution script data based on the test data identified in the test request and based on the pool of resources which are available for executing the test on one or more client computers. While the claims already recited that the test execution test script was created based on the test data and available resources, Applicants have amended the language of the independent claims to more clearly recite that the job execution process receives an indication of the available resources from the resource process prior to creating the test execution script data.
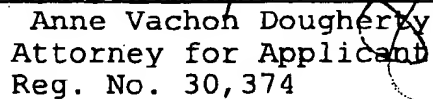
In contrast, the Brouwer patent teaches a system and method for testing hardware or software applications wherein the test scripts are generated by the test case generator 14 and then the test scripts allocate their own devices (see: Col. 3, lines 54-59 and Col. 4, lines 46-47). Clearly the explicit teaching in Brouwer of "allowing the scripts to allocate their own devices" does not anticipate the claimed invention wherein test scripts are not even created until the available resources have been determined and wherein the test scripts are created based on those resources. Applicants respectfully assert that the Brouwer teachings regarding scripts allocating their own resources actually teach away from the invention as claimed.

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It is well established under U. S. Patent Law that, for a reference to anticipate claim language under 35 USC 102(e), that reference must anticipate each and every claim feature. Since the Brouwer patent does not teach or suggest the job execution process creating the test scripts after a determination of available resources and does not teach or suggest that the test scripts be created based on those available resources, it cannot be maintained that the Brouwer patent anticipates the invention as claimed. Accordingly, Applicants respectfully request withdrawal of the rejections.

Based on the foregoing remarks, Applicants respectfully request entry of the amendments, withdrawal of the rejections, and allowance of the claims.

Respectfully submitted,
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